

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

| | | |
|---|---|--------------------------------------|
| DERRICK JACOBS, | : | CIVIL ACTION NO. 1:07-CV-1712 |
| | : | |
| Plaintiff | : | (Judge Conner) |
| | : | |
| v. | : | |
| | : | |
| DONALD L. KELCHNER, <u>et al.</u>, | : | |
| | : | |
| Defendants | : | |

ORDER

AND NOW, this 29th day of November, 2007, upon consideration of this Court's October 2, 2007, Order (Doc. 8) directing plaintiff to file an amended complaint on or before October 22, 2007, or suffer dismissal of the action for failure to comply with an order of court, see FED. R. CIV. P. 41(b) (("For failure of the plaintiff to prosecute or to comply with these rules or any order of court, a defendant may move for dismissal of an action or any claim against the defendant."); Link v. Wabash R.R. Co., 370 U.S. 626, 630-31 (1962) (interpreting Federal Rule of Civil Procedure 41(b) as permitting *sua sponte* dismissals by the court), and plaintiff having failed to file an amended complaint within the allotted time frame, and upon further consideration of this Court's November 16, 2007 Order (Doc. 12) directing plaintiff to comply with the prior order of court by filing an amended complaint on or before November 26, 2007, and plaintiff having failed to file the amended complaint, or seek an enlargement of time in which to do so, it is hereby ORDERED that:

1. The above-captioned action is DISMISSED for failure to comply with an order of Court. See FED. R. CIV. P. 41(b).
2. The Clerk of Court is directed to CLOSE this case.
3. Any appeal from this order is DEEMED frivolous and not in good faith. See 28 U.S.C. § 1915(a)(3).

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge